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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,164	02/14/2001	Tetsuro Motoyama	194536US-2	8311
22850	7590	06/22/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			TRUONG, LECHI	
		ART UNIT		PAPER NUMBER
				2194

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/782,164	MOTOYAMA ET AL.	
	<b>Examiner</b> LeChi Truong	<b>Art Unit</b> 2194	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## ***Office Action Summary***

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 06 August 2004.  
2a)  This action is FINAL.                    2b)  This action is non-final.  
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

- 4)  Claim(s) 1-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-24 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## **Application Papers**

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

## DETAILED ACTION

1. Claims 1-24 are presented for the examination.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 8-10, 15, 16-17, 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foutana et al (US. 6,237,143 B1) in view of Knight (US. Patent 6,126,330) and further in view of Glitho et al (US. Patent 6,041,327).

3. As to claim 1, Fontana teaches the invention substantially as claimed including: a monitoring device (a monitor file 37, col 6, ln 25-39/ ln 60-67/ file filter software module, col 7, ln 45-67), a first one of the plurality of target applications (tool 17/ tool wrapper 30, col 6, ln 25-39/ ln 60-67/ file filter software module, col 7, ln 45-67), an interface (start monitoring, col 7, ln 45-65), identification of the first one of the plurality of target applications (col 7, ln 45-65), start monitoring usage of the first one of the plurality of target application( monitoring and capturing a pattern of all file usage of each of said software tools, col 8, ln 47-55), information regarding monitored usage ( the details about the tool 17, col 6, ln 25-40), first predetermined destination( a separate file called a monitor file 37, col 6, ln 30-39).

4. Fontana does not explicit teach object oriented method of collecting information, storing, by the monitor device, information regarding monitored usage, to send the stored information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination. However, Knight teaches object-oriented method of collecting information (object oriented programmed application for providing feedback of user interaction with an application, col 3, ln 17-22/ the open class library and function provided in the visualAge C++ products are used by the user/developer, col 5, ln 5-12/ col 48-55), storing, by the monitor device, information regarding monitored usage (the monitor object writes predefined data including any annotation from monitor input file 13 to the monitor out put file 21, col 8, ln 29-35), to send the stored information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination( Monitor output file 21 is created and can be saved on a disk, for example, and subsequently provided in appropriate manner to the developer for analysis, col 8, ln 32-37/ Fig.3).

5. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Fontana and Knight because Knight's "object oriented programmed application for providing feedback of user interaction with an application/ the open class library and function provided in the visualAge C++ products are used by used by the user" would improve the efficiency of Fontana and Knight's systems by making development of object oriented applications faster, easier and less error-prone.

6. Fontana and Knight do not explicit teach requesting the monitoring device, by the first of the plurality of target applications, through the interface to send the stored information. However, Glitho teaches requesting the monitoring device, by the first of the plurality of target

applications, through the interface to send the stored information (logic operating to monitor for database accesses, col 2, ln 25-28/ the notification logic 20 further receives a second message from the client 14 requesting that notification concerning any queue 22 stored events of interest be sent back to the client, col 4, ln 18-23).

7. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Fontana, Knight and Glitho because Glitho 's requesting the monitoring device, by the first of the plurality of target applications, through the interface to send the stored information would improve the efficiency of Fontana and Bryant's systems by allowing the monitor to prevent such unauthorized calls from being completed.

8. **As to claim 2**, Fontana teaches record a first event (col 7, ln 45-65).

9. **As to claim 3**, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In additional, Fontana teaches the second one of the plurality of target applications (tool 17, tool 16, col 5, ln 50-67/ Fig. 1).

10. **As to claim 8**, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In additional, Fontana teaches a first device, a second device, a third device (col 6, ln 25-45/ col7, ln 45-65).

11. **As to claim 9**, it is an apparatus claim of claim 2; therefore, it is rejected for the same reason as claim 2 above. In additional, Fontana teaches a fourth device (col 6, ln 25-45/ col7, ln 45-65).

12. **As to claim 10**, it is an apparatus claim of claim 3; therefore, it is rejected for the same reason as claim 3 above. In additional, Fontana teaches a fifth device, sixth device, a seventh device (col 6, ln 25-45/ col7, ln 45-65).

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13. **As to claims 15, 16-17,** they are apparatus claims of claims 1-3; therefore, they are rejected for the same reasons as claims 1-3 above.

14. **As to claim 22,** Knight teaches selectively determining, by the first one of the plurality of target applications, at least one type of event to be monitored by the monitoring device (col 8, ln 25-30).

15. **As to claims 23, 24,** they are apparatus claims of claims of claim 22; therefore, it is rejected for the same reason as claim 22 above.

16. Claims **4, 11, 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fontana et al (US. 6,237,143 B1) in view of Knight (US. Patent 6,126,330) in view of Glitho et al (US. Patent 6,041,327), as applied to claim 1 above, and further in view of Fukuhara et al (US. 4,672,611).

17. **As to claim 4,** Fontana teaches a first predetermined communication protocol (lower level protocol / higher lever protocol, col 4, ln 3-10).

18. Fontana, Knight and Glitho do not teach the interface for format the data. However, Fukahara teaches the interface for format the data (setting the data format, col 12, ln 9-45).

19. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Fontana, Knight, Glitho and Fukuhara because Fukuhara's "setting the data format" would improve the efficiency of Fontana, Knight, Glitho's systems by allowing monitoring to display the system for the serial transmission line in which, data from the transmitting side and from the receiving side are distinguishably.

20. As to claims 11, 18, they are apparatus claims of claim 4; therefore, they are rejected for the same reason as claim 4 above.

21. Claims 5, 6, 7, 12, 13, 14, 19, 20, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fontana et al (US. 6,237,143 B1) in view of Knight (US. Patent 6,126,330) in view of Glitho (US. Patent 6,041,327), as applied to claim 1 above, view of Fukuhara et al (US. 4,672,611) and further in view of Tuominen (data service in a mobile communications network).

22. As to claims 5, 6, Fontana, Knight , Glitho and Fukuhara do not teach step of determining, based on the determining step converting the first predetermined format protocol to a first acceptable predetermined format/ protocol. However, Tuominen teaches determining, based on the determining step converting the first predetermined format protocol to a first acceptable predetermined format/ protocol (converting them into a format compatible with one of the protocols / one of the protocol of mobile communications into the format, a predetermined criterion, page 3, ln 1-35).

23. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Fontana, Knight, Glitho, Fukuhara and Tuominen because Tumoninen's "converting them into a format compatible with one of the protocols / one of the protocol of mobile communications into the format, a predetermined criterion" would improve the flexibility of Fontana, Knight, Glitho, Fukuhara's systems by allowing the information collection to use multiple formats and multiple protocols with verification of formats and protocols more consistent.

24. **As to claim 7**, Tuominen teaches text format, binary format, comma separated format XML format, SMTP and FTP (a HTML text, col 16, ln 1-1-36, HTTO(s), POP3, FTP, fig.2).

25. **As to claims 12, 13, 14, 19-21**, they are apparatus claims of claims 5-7; therefore, they are rejected for the same reasons as claims 5-7 above.

### **Response to the argument**

29. Applicant's arguments filed 05/17/2005 have been considered but are moot in view of the new ground(s) of rejection. Applicant amended the claims. Wang's Knight and Glitho's references meet the amended claims.

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

June 20, 2005



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